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NOTIFICATIONS BY HEADS OF DEPARTMENTS, Etc.

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CHIEF COMMISSIONER OF STATE TAXES
ANDHRA PRADESH :: VIJAYAWADA

CCT's File No: REV03-24036/1/2019 - DXZ SEC-CCT, Dt: 10.05.2019

COMMERCIAL TAXES DEPARTMENT - ZONE -III - GUNTUR NODAL DIVISION - ALLOTMENT OF DR ACTOs UNDER 10/1999 NOTIFICATION - CERTAIN ACTOs NOT PASSED THE DEPARTMENTAL TESTS WITHIN THE PRESCRIBED TIME -PROBATION PERIOD EXTENDED - GOVERNMENT RELAXED RULE 16(H) OF AP STATE AND SUBORDINATE SERVICE RULES - REVISION OF DATE OF REGULARIZATION AND DECLARATION OF PROBATION - ORDERS ISSUED - REQUEST -RESTORING ORIGINAL PLACEMENT IN THE SENIORITY LIST - CONSIDERED - ISSUANCE OF SHOW CAUSE NOTICE - OBJECTIONS CALLED FOR- OBJECTIONS RECEIVED.

- Ref:-
1. CCT's Ref. No: DX4/77/2001, dt: 22.01.2001.
 2. Deputy Commissioner (CT), Guntur vide proceedings No: 51/2001/A4, dt: 06.02.2001.
 3. CCT's Reference No:DX2/392/2011-2, dt: 11.10.2012 and CCT's Ref No. DXZ(2)/354/2014, dt: 13.11.2017.
 4. G.O. Rt.No: 5, Revenue (CT-I) Dept, dt: 01.01.2019.
 5. Joint Commissioner (ST), Guntur vide RC No: 18/2019/A4, dt: 04.02.2019.
 6. Representations of Smt M.Annapurna, DCTO, O/o CTO, Narasaraopet, Sri B.Srinivasa Rao, DCTO Revision, Guntur Division of Zone-III, dt: 19.02.2019.
 7. CCT's File No. REV03-24036/1/2019- DXZ SEC- CCT, dt. 27.02.2019.
 8. A.P. Gazette No. 1346, dt. 14.03.2019.

1. In the reference 1st cited 9 DR ACTOs who are selected vide 10/1999 notification in the year 2001 were allotted to Guntur Nodal Division. In the reference 2nd cited the Deputy Commissioner (CT), Guntur appointed 9 individuals as ACTOs.
2. Smt M. Annapurna presently DCTO, O/o CTO, Narasaraopet and Sri B.Srinivasa Rao presently DCTO Revision, Guntur Division have not passed the departmental tests within the prescribed time. Hence, their probation was extended and declared on 23.01.2006 and 11.09.2006 respectively.
3. In the reference 3rd cited the Additional Commissioner (CT), O/o CCT, A.P., and the Commissioner (CT) revised and finalized the seniority list of ACTOs for the years 2000-01 to 2004-05. In that list Smt M.Annapurna presently DCTO, O/o CTO, Narasaraopet placed at above Sl.No. 31 and Sri B.Srinivasa Rao presently DCTO Revision, Guntur Division placed at Sl.No. 49.
4. In the reference 4th cited the Government relax rule 16(h) of AP State and Sub-ordinate Service Rules, 1996 in respect of 11 ACTOs of 2001 batch (presently DCTOs) for regularization of their services by declaring the commencement of probation with effect from their date of joining as ACTOs, as a special case, in exercise of the powers conferred under Rule 31 of AP State and Sub-ordinate Service Rules, 1996:-
5. Basing on the above Government orders, in the reference 5th cited the Joint Commissioner (ST), Guntur declared probation to the following officers as detailed below:

Sl.No	Name of the Individual	Date of Joining as ACTO	Date of regularization of services in the cadre of ACTO	Date of completion of 2 years duty period	Date of declaration of probation
1	2	3	4	5	6
1	Smt M.Annapurna, DCTO, O/o CTO, Narsaraopet	26.02.2001	26.02.2001	25.02.2003	25.02.2003
2	Sri B.Srinivasa Rao, DCTO Revision, Guntur Division	12.02.2001	12.02.2001	13.10.2003	13.10.2003

6. In the reference 6th cited, Smt M.Annapurna, DCTO, O/o CTO, Narasaraopet and Sri B.Srinivasa Rao, DCTO Revision, Guntur Division of Zone-III requested for restoring their original placement consequent on the orders issued by Joint Commissioner (ST), Guntur vide RC No: 18/2019/A4, dt: 04.02.2019.
7. In the reference 7th cited Show Cause Notice was issued calling objections from the effected persons on proposed placing of Smt M.Annapurna, DCTO, O/o CTO, Narasaraopet at Sl. No. 7 and Sri B.Srinivasa Rao, DCTO Revision, Guntur Division at Sl.No. 6 in the seniority list of ACTOs of Guntur Nodal Division. The Show cause notice was published in the AP Gazette vide Gazette No. 1346, dt.14.03.2019.
8. In response to the Show Cause Notice the following individuals filed his objections as follows:

Objections filed by Sri M.Venkateswarlu. Deputy Assistant Commissioner (ST). O/o AC (ST). Piduguralla and Sri B.Ravi Kumar. Deputy Assistant Commissioner (ST). O/o R.V & E.O. Nellore:

- The seniority list proposed for revision through the above show cause notice is based on the Roster point list communicated by the APPSC, but not on merit basis.
- As per Rule 33 (b) of the A.P. State and Subordinate Service Rules, the seniority among the candidates appointed under a common order shall be fixed on the basis of merit when two or more persons are appointed simultaneously.
- The Order of Merit or Order of Preference indicated in a List of Selected Candidates prepared by the PSC or other Selecting Authority shall not be disturbed inter-se with reference to the Candidates position in such List or panel while determining the Seniority in accordance with this Rule.
- Hitherto, while fixing the seniority of direct recruit ACTOs of Zone-III selected under 10/1999 notification, the order of merit was disturbed by taking the Roster point as the criteria. The fixation was contended then though not considered by the authorities. Even in the instant case of revision of seniority also, the injustice is repeated once again by considering Roster list instead of order of merit as criteria. Thus, the order of merit in our case i.e. DR ACTOs of 10/1999 of Zone-III will be jeopardized permanently.

- The seniorities of the DR ACTOs before and after of their selections i.e. the batches of 1996 and 2007 were also fixed on the basis of order of merit.
- They requested to consider the order of merit in place of Roster in the instant case of revision of seniorities of DR ACTOs of 10/1999 of Zone-III.

Objections filed by Sri K.Gopi Chand, Deputy Commercial tax Officer, O/o CTO, Gudur, Nellore Division

- The seniority list proposed is based on Roster point list, i.e. the appointment list communicated basing on reservation points of ST, SC, BC and Women.
- According to Rule 33 (b) of the A.P. State and Subordinate Service Rules, the seniority among any batch shall be determined basing on the merit (marks) obtained in the concerned competitive exam, but shall not be fixed as per roster point, which is listed purely for determining reservation points.
- The APPSC has also categorically clarified and communicated vide letter dt. 07.04.2007.
- The actual merit list of Guntur Division 2001 batch ACTOs is as follows:

MERIT LIST

1.	Visweswara Rao Sontineni	425.892 (not working in this Dept)
2.	Venkateswarlu Malisetty	424.838
3.	Ravi Kumar Bollineni	421.398
4.	Gopichand Kasaraneni	419.351
5.	Batthula Sreenivasa Rao	416.338
6.	Sridevi Rachapudi	408.456
7.	Annapurna Muppalla	406.392
8.	Inampudi Madhavi	403.596 (Now working in Treasury Dept.)
9.	Sudha Madhuri	352.176

He also requested to intimate if his contentions are not considered before finalizing the proposed seniority list.

Reply to Objections

- The above objections filed by Sri M.Venkateswarlu, Deputy Assistant Commissioner (ST), O/o AC (ST), Piduguralla, Sri B.Ravi Kumar, Deputy Assistant Commissioner (ST), O/o R.V & E.O, Nellore and Sri K.Gopi Chand, Deputy Commercial tax Officer, O/o CTO, Gudur, Nellore Division have been examined. Their main contention is that in the present proposed show cause notice their placement was not shown as per the merit list communicated by the APPSC in 2001 batch list.
 - The Deputy Commissioner (CT), Guntur finalized the seniority list of ACTOs of Zone -111 for the period 2000-01 to 2004-05 and the same was published in Guntur District Gazette No. 33, dt. 17.04.2007.
 - As per the instructions of the Government as well as Hon'ble APAT orders, the seniority list of ACTOs of Zone -III was revised by the Additional Commissioner (CT) vide reference dt. 11.10.2012. Further to maintain parity among the zones, the ACTOs seniority list in Zone -III for the period from 2000-01 to 2004-05 was revised on 13.11.2017.
 - The cause of present revision of the seniority list that was finalized on 11.10.2012 and 13.11.2017 is due to alteration of date of declaration of probation on account of issuance of relaxation orders by the Government under Rule 16 (h) of AP State and Subordinate Service rules, 1996 in favour of two (2) Assistant Commercial Tax Officers of Guntur Nodal Division. This exercise of revision is limited to that extent only.
 - In view of the above, the objections raised by the above individuals have not been considered and rejected.
9. In view of the above, the objections made by the above individuals have not been considered and rejected. The revised seniority list of ACTOs of Guntur Nodal Division is confirmed and annexed here with as proposed in the reference 7th cited.
10. The revised seniority list of ACTOs of Guntur Nodal Division is subject to outcome of S.L.Ps /W.Ps/O.As/ appeals pending if any, before the Supreme Court of India, High Court of A.P/A.P.A.T/Government.

Annexure**CCT's File No: REV03-24036/1/2019 - DXZ SEC-CCT, Dt: 10.05.2019****Revised Integrated seniority list of ACTOs of Zone-III**

Sl.No in the proposed Integrated seniority list of ACTOs of Zone-III	Name of the individual	DOB	Date of Joining	Panel Year	Remarks
1	M.Rama Krishnaiah	01.07.1944		2000-01	Retired
2	B.Sree Lakshmi	15.03.1947		2000-01	Retired
3	B.Bullaiah (SC)	07.11.1943		2000-01	Retired
4	R.Sridevi(DR)	04.06.1974	14.02.2001		
5	M.Venkateswarlu (DR)	01.07.1972	12.02.2001		
6	B.Srinivasa Rao (DR)	06.06.1972	12.02.2001		
7	M.Annapurna (DR)	01.06.1968	26.02.2001		
8	B.Ravi Kumar (DR)	31.07.1974	02.03.2001		
9	K.Gopi Chand(DR)	16.06.1971	12.02.2001		
10	J.Sudha Madhuri (DR)	10.05.1975	12.02.2001		
11	I.Madhavi (DR)	11.02.1972	08.02.2001		
12	A.Santha Ram (CL)	04.08.1963	29.03.2001	2000-01	
13	A.V.Rama Kumar (DR)	15.05.1968	04.04.2001	2000-01	
14	A.Raghunadh Babu SC (CL)	22.07.1962	01.06.2001	2000-01	
15	Dowlathkhan	01.01.1947		2000-01	Retired
16	B.H.V.Subrahmanyam	10.06.1946		2001-02	Retired
17	Ch.Nagendram (ST)	15.07.1964		2001-02	
18	Pir Mahammad (CL)	19.07.1952	07.05.2002	2001-02	Retired
19	P.Sivannarayana	19.09.1946		2001-02	Retired

Sl.No in the proposed Integrated seniority list of ACTOs of Zone-III	Name of the individual	DOB	Date of Joining	Panel Year	Remarks
20	J.Subbarao(SC)	05.07.1950		2002-03	Retired
21	A.B.M.Somayaji	15.01.1951		2002-03	Retired
22	A.Brahmanandam	15.07.1949		2002-03	Retired
23	P.Subrahmanyam	23.10.1946		2002-03	Retired
24	B.Venkateswarlu	15.07.1949		2002-03	Retired
25	R.Venkata Ratnam (CL)	15.05.1952	24.05.2002	2002-03	Retired
26	C.B.Rama Rao	12.10.1950		2002-03	Retired
27	B.Subrahmanya Sastry	29.10.1950		2003-04	Retired
28	S.K.Rahamathullah	01.07.1949		2003-04	Retired
29	K.Krishna Mohan Rao	30.05.1949		2003-04	Retired
30	M.Syam Prakasha Rao (SC)	01.07.1953		2003-04	Retired
31	B.Rama Krishnaiah	07.09.1946		2003-04	Retired
32	P.Koteswara Rao	11.02.1946		2003-04	
*	M.Visweswara Rao (DR)	10.08.1974	26.02.2001		Probation not declared
33	M.C.V.Subba Raju	01.07.1946	04.07.1995	2003-04	Retired
34	Smt G.Subba Royal (SC-C)	06.12.1956	20.12.2000	2003-04	Retired
35	A.Murali Krishna murthy	01.07.1951		2004-05	Retired
36	R.Prabhakara Rao ST (C.F)	11.08.1952	24.03.2001	2004-05	Retired
37	K.V.Srinivasa Rao	04.10.1951	09.09.1995	2004-05	Retired
38	B.Bhagavanulu Sastry	15.09.1950	21.09.1995	2004-05	Retired
39	Y.Anjaneyulu	15.04.1950	08.09.1995	2004-05	Retired

Sl.No in the proposed Integrated seniority list of ACTOs of Zone-III	Name of the individual	DOB	Date of Joining	Panel Year	Remarks
40	G.V.Ram Mohan Rao	01.05.1951	08.09.1995	2004-05	Retired
41	B.Seeta Ramaiah (SC-B)	02.03.1951	08.03.1996	2004-05	Retired
42	P.S.Nageswar Rao	01.02.1948	08.09.1995	2004-05	Retired
43	K.Srinivasulu	10.06.1949	27.09.1995	2004-05	Retired
44	G.Venkaiah	01.07.1948	20.12.1995	2004-05	Retired
45	J.V.M. Achaar	04.01.1948	21.12.1995	2004-05	Retired
46	K.Kumari (SC-W) (B)	25.06.1964	25.08.2003	2004-05	
47	N.Y.John	27.12.1947	20.12.1995	2004-05	Retired
48	Md. Sharief	15.02.1951	20.12.1995	2004-05	Retired
49	M.James Watt	12.04.1952	01.01.1996	2004-05	Retired
49 - A	N.Prabhakara Rao	01.05.1949	27.02.1996	2004-05	Retired

J. SYAMALA RAO,
Chief Commissioner (ST).

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